
Environmental Quality, Air Quality
R307-205
Emission Standards: Fugitive
Emissions and Fugitive Dust

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 27764

FILED: 03/15/2005, 16:20

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of this amendment is to clarify the applicability of the rule and to delete obsolete requirements. This amendment is part of the overall revisions to the rules related to the new PM10 Maintenance Plan (see separate filing on Section R307-110-10, in this issue). Utah will seek redesignation of Salt Lake and Utah Counties and Ogden City from nonattainment to attainment of the PM10 health standard following the adoption of the plan. The revisions in this rule are in anticipation of this redesignation. (DAR NOTE: The proposed amendment to Section R307-110-10 is under DAR No. 277 in this issue.)

SUMMARY OF THE RULE OR CHANGE: Currently, this rule applies statewide and is part of the federally enforceable State Implementation Plan. Upon adoption by the board, Rule R307-205 will only apply outside the nonattainment and maintenance areas and the state will request EPA to retract Rule R307-205. Another rule, 307-309 (see separate filing on Rule R307-309 in this issue), will apply within the nonattainment and maintenance areas. This amendment also

includes deletion of outdated requirements. (DAR NOTE: The proposed amendment to Rule R307-309 is under DAR No. 27765 in this issue.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-2-101, 19-2-104, and 19-2-109

ANTICIPATED COST OR SAVINGS TO:

❖ THE STATE BUDGET: Because this revision does not create any new requirements, no change in cost is expected to the state budget.

❖ LOCAL GOVERNMENTS: Because this revision does not create any new requirements, no change in cost is expected for local government.

❖ OTHER PERSONS: Because this revision does not create any new requirements, no change in cost is expected for other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Because this revision does not create any new requirements, no change in cost is expected for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment does not create new requirements. Therefore, no additional costs are expected. Dianne R. Nielson, Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS. AT:

ENVIRONMENTAL QUALITY
AIR QUALITY
150 N 1950 W
SALT LAKE CITY UT 84116-3085, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Mat E. Carlile or Jan Miller at the above address, by phone at 801-536-4136 or 801-536-4042, by FAX at 801-536-0085 or 801-536-4099, or by Internet E-mail at MCARLILE@utah.gov or janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 05/02/2005

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 4/19/2005 at 10:00 AM, DEQ Bldg, 168 N 1950 W, Room 101, Salt Lake City, UT; 4/20/2005 at 1:30 PM, Utah County Administration Bldg, 100 E Center Street, Suite 2300, Provo, UT; and 4/21/2005 at 6:00 PM, Weber County Bldg, 2380 Washington Blvd, Breakout Room, Ogden, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 07/30/2005

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

R307. Environmental Quality, Air Quality.

R307-205. Emission Standards: Fugitive Emissions and Fugitive Dust.

R307-205-1. Purpose.

R307-205 establishes minimum work practices and emission standards for sources of fugitive emissions and fugitive dust for sources located in all areas in the state except those listed in section IX, Part H of the state implementation plan or located in a PM10 nonattainment or maintenance area.

R307-205-2. Applicability.

~~[(1) Except where otherwise specified,]~~R307-205 applies statewide to all sources of fugitive emissions and fugitive dust, except for agricultural or horticultural activities specified in 19-2-114(1)-(3) and any source listed in section IX, Part H of the state implementation plan or located in a PM10 nonattainment or maintenance area.

~~[(2) The provisions of R307-205 shall not apply to any sources for which limitations for fugitive dust or fugitive emissions are assigned pursuant to R307-401, R307-305, or R307-307 nor shall they apply to agricultural or horticultural activities.]~~

R307-205-3. Definitions.

~~[(3)-]~~The following definition[s] applies[es] throughout R307-205:

"Material" means sand, gravel, soil, minerals or other matter ~~[which]that~~ may create fugitive dust.

~~"Road" means any public or private road.]~~

R307-205-[2]4. Fugitive Emissions.

Fugitive emissions from sources ~~[in areas outside Davis, Salt Lake and Utah Counties, Ogden City and any nonattainment area for PM10 and]~~which were constructed on or before April 25, 1971, shall not exceed 40% opacity. Fugitive emissions from sources constructed or modified after April 25, 1971, shall not exceed 20% opacity.

R307-205-[3]5. Fugitive Dust.

(1) Storage and Handling of ~~[Aggregate-]~~Materials. Any person owning, operating or maintaining a new or existing material storage, handling or hauling operation shall minimize fugitive dust from such an operation. Such control may include the use of enclosures, covers, stabilization or other equivalent methods or techniques as approved by the executive secretary.

(2) Construction and Demolition Activities.

(a) Any person engaging in clearing or leveling of land greater than one-quarter acre in size, earthmoving, excavation, or movement of trucks or construction equipment over cleared land greater than one-quarter acre in size or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques approved by the executive secretary.

(b) The owner or operator of any land area greater than one-quarter acre in size that has been cleared or excavated shall take measures to prevent fugitive particulate matter from becoming airborne. Such measures may include:

- (i) planting vegetative cover,
- (ii) providing synthetic cover,
- (iii) watering,
- (iv) chemical stabilization,
- (v) wind breaks, or
- (vi) other equivalent methods or techniques approved by the executive secretary.

(c) Any person engaging in demolition activities including razing homes, buildings, or other structures or removing paving material from roads or parking areas shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization or other equivalent methods or techniques approved by the executive secretary.

R307-205-[4]6. Roads.

(1) ~~[Any person planning to construct or operate a new unpaved road which is anticipated to have an average daily traffic volume of 150 vehicle trips per day or greater, averaged over a consecutive five day period, shall submit a notice of intent to construct or operate such a road to the executive secretary pursuant to R307-401. Such notice shall include proposed action to minimize fugitive dust emissions from the road.]~~

~~—(2)—~~The executive secretary may require persons owning, operating or maintaining any new or existing road, or having right-of-way easement or possessory right to use the same, to supply traffic count information as determined necessary to ascertain whether or not control techniques are adequate or additional controls are necessary.

~~(3)~~(2) Any person who deposits materials ~~[which]that~~ may create fugitive dust on a public or private paved road shall clean the road promptly.

R307-205-[5]7. Mining Activities.

(1) Fugitive dust, construction activities, and roadways associated with mining activities are regulated under the provisions of R307-205-[5]7 and not by R307-205-[3]5 and [4]6.

(2) Any person who owns or operates a mining operation shall minimize fugitive dust as an integral part of site preparation, mining activities, and reclamation operations.

(3) The fugitive dust control measures to be used may include:

- (a) periodic watering of unpaved roads,
- (b) chemical stabilization of unpaved roads,
- (c) paving of roads,
- (d) prompt removal of coal, rock minerals, soil, and other dust-forming debris from roads and frequent scraping and compaction of unpaved roads to stabilize the road surface,
- (e) restricting the speed of vehicles in and around the mining operation,
- (f) revegetating, mulching, or otherwise stabilizing the surface of all areas adjoining roads that are a source of fugitive dust,
- (g) restricting the travel of vehicles on other than established roads,
- (h) enclosing, covering, watering, or otherwise treating loaded haul trucks and railroad cars, to minimize loss of material to wind and spillage,
- (i) substitution of conveyor systems for haul trucks and covering of conveyor systems when conveyed loads are subject to wind erosion,
- (j) minimizing the area of disturbed land,
- (k) prompt revegetation of regraded lands,

(l) planting of special windbreak vegetation at critical points in the permit area,

(m) control of dust from drilling, using water sprays, hoods, dust collectors or other controls approved by the executive secretary,

(n) restricting the areas to be blasted at any one time,

(o) reducing the period of time between initially disturbing the soil and revegetating or other surface stabilization,

(p) restricting fugitive dust at spoil and coal transfer and loading points,

(q) control of dust from storage piles through use of enclosures, covers, or stabilization and other equivalent methods or techniques as approved by the executive secretary, or

(r) other techniques as determined necessary by the executive secretary. [

~~—(4) Any person owning or operating an existing mining operation in an actual area of nonattainment for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 20, 1981, 180 days after the effective date of this regulation.]~~

R307-205-[6]8. Tailings Piles and Ponds.

(1) Fugitive dust, construction activities, and roadways associated with tailings piles and ponds are regulated under the provisions of R307-205-[6]8 and not by R307-205-[3 and 4]5 and 6.

(2) Any person owning or operating an existing tailings operation where fugitive dust results from grading, excavating, depositing, or natural erosion or other causes in association with such operation shall take steps to minimize fugitive dust from such activities. Such controls may include:

- (a) watering,
- (b) chemical stabilization,
- (c) synthetic covers,
- (d) vegetative covers,
- (e) wind breaks,
- (f) minimizing the area of disturbed tailings,
- (g) restricting the speed of vehicles in and around the tailings operation, or
- (h) other equivalent methods or techniques which may be approvable by the executive secretary. [

~~—(3) Any person owning or operating an existing tailings operation in a nonattainment area for particulate or an existing mining operation outside an actual area of nonattainment from which fugitive dust impacts an actual area of nonattainment for particulate shall submit plans for control of fugitive dust from such operations to the executive secretary for approval no later than September 20, 1981, 180 days after the effective date of this regulation.]~~

KEY: air pollution, fugitive emissions[±], mining[±], tailings[±]
[May 4, 1999]2005

Notice of Continuation August 2, 2000

19-2-101

19-2-104

19-2-109

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